

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:05CR3019
	)	
Plaintiff,	)	<b>AMENDED</b>
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
KHALAT JAMALTHAEL	)	
ALAMA,	)	
	)	
Defendant.	)	

Earlier this morning, I entered an order adopting the Magistrate Judge's recommendation that Defendant's motion to suppress be granted. (Filing 77.) The second paragraph contained a reference to "denying" the motion. That reference was in error and should have stated my finding that the motion to suppress should be "granted", as stated in the order. Accordingly, I will enter this amended order, which changes one word in the earlier order (highlighted here for emphasis).

This matter is before the Court on the Magistrate Judge's recommendation that Defendant's motion to suppress be granted. At the conclusion of the evidentiary hearing on the motions to suppress, Magistrate Judge Piester stated on the record his recommendation that the motion to suppress be granted. (Filing 66 (Tr.), at 58-60.) He then filed a summary order recommending that the motion be granted. (Filing 65.) No objections to the recommendation have been filed as allowed by 28 U.S.C. § 636(b)(1)(C) and NELR 72.4.

I have conducted, pursuant to 28 U.S.C. § 636(b)(1) and NELR 72.4, a de novo review of the recommendation. Inasmuch as Judge Piester has fully, carefully, and correctly applied the law to the facts, I find that the recommendation should be adopted and the Defendant's motion to suppress (filing 56) should be **granted**, for

the reasons articulated by Judge Piester (Filing 66 (Tr.), at 58-60). There were no exigent circumstances justifying the warrantless entry into Defendant's residence.

IT IS ORDERED:

1. The Magistrate Judge's Recommendation (filing 65) is adopted; and
2. Defendant's motion to suppress (filing 56) is granted.

September 26, 2005.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge